HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

DIVISION BENCH

CORAM : HON'BLE SHRI S.R. NAYAK, CJ
& HON'BLE SHRI D.R. DESHMUKH, J.

WRIT PETITION NO.6343 of 2005

PETITIONER Basanti Minz
W/o Alek Singh
Aged 37 years R/o Village Khainwar, P.S. and Tahsil Ambikapur, District – Surguja (C.G.)

VERSUS

RESPONDENTS
1. State of Chhattisgarh
Through Secretary, Department of Home, D.K.S. Bhawan, Raipur (C.G.)
2 Jail Superintendent
District Jail Ambikapur (C.G.)

Present: Shri Prateek Sharma and Miss Samta Jain, learned amicus curiae for the petitioner.
Shri Pramod Kumar Verma, learned Additional A.G. for the State.

ORAL ORDER
(Passed on 5th April, 2006)

The following oral order of the Court was passed by

S.R. NAYAK, CJ .

In the action taken report dated 10-03-2006 submitted by the Superintendent of Police, Surguja, at Ambikapur, it is stated that offence punishable under Sections 223 and 506 of I.P.C. has been registered against the accused Dharamsai as well as Nagar Sainik Ram Devram at Police Station Ambikapur vide Cr. No.94/2006 on 09-03-2006. The Superintendent of Police has offered his deep regret for not having taken prompt action after coming to know of Nagar Sainik assisting accused Dharamsai to go out of the prison and threaten the witness, and he has

stated that he *bonafide* believed that since the proceedings were pending in this Court, the matter was subjudice. Learned Additional Advocate General would tell us that the Officer really repented for the lapse and offered his unconditional regrets. In that view of the matter, we do not think it necessary to take any further steps against the officer. The only thing we could say, at this stage, is that the officer shall not give any scope for such complaint in future. Since the crime is already registered against accused Dharamsai and Nagar Sainik Ram Devram and criminal proceedings are pending against them, there is no need for us to monitor or take any further steps in this writ petition. It is accordingly dismissed. The State shall pay professional fee of Rs.1,000/- each to both Shri Prateek Sharma and Miss Samta Jain, amicus curiae, within six weeks from today.

Sd/-
Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge

Subbu